

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth F. Buechler et al
Title: HYBRID PHTHALOCYANINE
DERIVATIVES AND THEIR
USES
Appl. No.: 09/776,599
Filing Date: February 1, 2001
Examiner: Maurie Garcia Baker
Art Unit: 1627

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below. <u>Line Gauthier</u> (Printed Name) <u><i>Line Gauthier</i></u> (Signature) <u>December 2, 2002</u> (Date of Deposit)

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TRANSMITTAL

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing in the above application is a response to restriction requirement mailed on October 31, 2002. The deadline to reply is November 30, 2002, which, falling on a Saturday, can be extended to the succeeding business day or to Monday, December 2, 2002 under CFR §1.7 (a).

Although no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. **50-0872**.

Date: December 2, 2002

FOLEY & LARDNER
Customer Number: 30542

**30542**

PATENT TRADEMARK OFFICE

Telephone: (858) 847-6721
Facsimile: (858) 792-6773

Respectfully submitted,

By

Michael A. Whittaker

Michael A. Whittaker
Attorney for Applicant
Registration No. 46,230

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the restriction requirement mailed on October 31, 2002 ("Paper No. 7"), please consider the following remarks.

IN THE CLAIMS

Please cancel all pending claims without prejudice to their future prosecution. Please enter the following new claims:

The Examiner has divided the claims into three groups, requiring restriction of the claims to a single group for examination on the merits. These groups are:

- I: Claims 30-42, 45, and 46;
- II: Claim 43; and
- III: Claim 44.

Applicants hereby elect group I, with traverse.

According to MPEP § 803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) The inventions must be independent or distinct as claimed; and